

200311912-1

10/611,393

REMARKS

This is a full and timely response to the final Official Action mailed July 31, 2007.

Reconsideration of the application in light of the following remarks is respectfully requested.

Request for Continued Examination:

Applicant hereby requests Continued Examination for this application and entry and consideration of this amendment consequent thereto.

Claim Status:

By the present paper, various claims have been amended. No claims area added or cancelled. Thus, claims 1, 3-41, 43 and 44 are currently pending for further action.

Allowable Subject Matter:

In the recent Office Action, the Examiner allowed claims 4-28, 32-35 and 37-40. Applicant wishes to thank the Examiner for the allowance of these claims.

Applicant agrees with the Examiner's conclusions regarding the patentability of these claims without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the indicated claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the claims or claimed subject matter may be paraphrased.

200311912-1

10/611,393

35 U.S.C. § 112, second paragraph:

In the recent Office Action, claims 43 and 44 were rejected under 35 U.S.C. § 112, second paragraph, as including recitations that lack antecedent basis. These claims have been carefully reviewed in light of the Examiner's comments.

While Applicant does not necessarily agree that these claims were previously indefinite, the indicated claims have been amended herein to address the issues raised by the Examiner under 35 U.S.C. § 112, second paragraph. Following this amendment, all the remaining claims are believed to be in compliance with 35 U.S.C. § 112 and notice to that effect is respectfully requested.

Prior Art:

With regard to the prior art, claims 1, 3, 29-31, 36, 41, 43 and 44 were rejected as unpatentable under 35 U.S.C. § 103(a) over the teachings of U.S. Patent No. 6,809,047 to Lebold et al. ("Lebold"). For at least the following reasons, this rejection is respectfully traversed.

Independent claim 29 recites:

A method of containing fluid over-spray, comprising:
providing a platen to support print media moving through a printing device;
providing a first member having a first ink affinity, a first fluidic transport coefficient and a sprayed surface;
providing a second member having an ink affinity greater than said first ink affinity and a fluidic transport coefficient lesser than said first fluidic transport;
transporting an ink from said sprayed surface to said second member; and
disposing said first and second members within said platen to contain a seepage of said ink from said first and second members.
(Emphasis added).

Support for the amendment to claim 29 can be found in Applicant's originally filed specification at, for example, paragraph 0022.

200311912-1

10/611,393

In contrast, Lebold fails to teach or suggest the claimed method including disposing the first and second ink absorbing members in a platen, where the platen supports print media moving through a printing device and also contains any seepage of ink that may escape from those first and second ink absorbing members. Lebold contains no such subject matter.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lebold, did not include the claimed method in which a platen is provided to support print media moving through a printing device and also to contain first and second ink absorbing members plus any seepage of ink from those members.

This arrangement is significant in that it provides several advantages that were not recognized or available in the cited prior art. For example, as explained in Applicant's specification, the claimed method better enables borderless printing operations without the historic problems caused by spraying ink on a print medium support, such as a platen. (Applicant's specification, paragraph 0019).

For at least these reasons, Lebold will not support a rejection of claim 29 under 35 U.S.C. § 103(a) and *Graham*. Therefore, the rejection based on Lebold of claim 29 and its dependent claims should be reconsidered and withdrawn.

Similarly, claim 36 recites:

A method of forming an ink over-spray containment apparatus, comprising:
providing a first member having a first ink affinity and a first fluidic transport coefficient;

200311912-1

10/611,393

providing a second member having a second ink affinity higher than said first ink affinity and a fluidic transport coefficient lower than said first fluidic transport coefficient; and

providing a platen that supports print media moving through a printing device, contains said first and second members and contains any ink that may escape from either the first or second member.

(Emphasis added).

Support for the amendment to claim 36 can be found in Applicant's originally filed specification at, for example, paragraph 0022.

As indicated above, Lebold fails to teach or suggest the claimed method including providing a platen that supports print media moving through a printing device, that contains first and second ink absorbing members, and that also contains any ink that may escape from those members. Lebold contains no such subject matter.

Again, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lebold, did not include the claimed method in which a platen is provided to support print media moving through a printing device and also to contain first and second ink absorbing members plus any ink that may escape from those members.

As noted above, Applicant's claimed method is significant in that it provides several advantages that were not recognized or available in the cited prior art, for example, improved borderless printing operations as noted above. (Applicant's specification, paragraph 0019).

For at least these reasons, Lebold will not support a rejection of claim 36 under 35 U.S.C. § 103(a) and *Graham*. For at least these reasons, the rejection based on Lebold of claim 36 should be reconsidered and withdrawn.

200311912-1

10/611,393

Claim 41 now recites:

An ink over-spray containment system, comprising:
ink transport means for transporting ink away from a sprayed surface having an ink affinity and a fluidic transport coefficient;
ink containment means for containing said ink, said ink containment means having greater ink affinity and lesser fluidic transport characteristics than said ink transport means; and
a compressed member coupled to said ink transport means or said ink containment means for actively applying a force to said ink transport means and said ink containment means to increase a contact surface area between said ink transport means and said ink containment means.

(Emphasis added).

Support for the amendment to claim 41 can be found in Applicant's originally filed specification at, for example, paragraph 0021.

In contrast, Lebold does not teach or suggest a compressed member that is coupled with and actively applies a force to ink transport means and ink containment means. Lebold teaches no such subject matter.

Again, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lebold, did not include the claimed system comprising a member that has been compressed and coupled to ink transport and containment means to actively apply pressure to those means.

In this regard, the differences between Applicant's claimed system and the scope and content of Lebold's prior art is significant. As explained in Applicant's specification and recited in claim 41, the claimed compressed member "increase[s] a contact surface between said ink transport means and said ink containment means" (claim 41), "thereby improving fluid flow from the first member (210) to the second member (220) due to the relative

200311912-1

10/611,393

differences in the capillary head and fluidic transport coefficients.” (Applicant’s specification, paragraph 0028). These advantages were apparently not appreciated, recognized or available in the cited prior art.

For at least these reasons, Lebold will not support a rejection of claim 41 under 35 U.S.C. § 103(a) and *Graham*. For at least these reasons, the rejection based on Lebold of claim 41 and its dependent claims should be reconsidered and withdrawn.

Claim 1 recites:

An ink over-spray containment apparatus, comprising:
a first member having a first fluidic transport coefficient and a first ink affinity;
a second member coupled to said first member, said second member having a second fluidic transport coefficient lesser than said first fluidic transport coefficient and a second ink affinity greater than said first ink affinity;
wherein said first member comprises porous plastic.
(Emphasis added).

In contrast, Lebold does not teach, suggest or even mention the use of “porous plastic” as recited in claim 1. Nevertheless, the Office Action holds claim 1 to be obvious, based primarily on impermissible hindsight. The recent Office Action fails to cite any evidence that porous plastic has been known for use as an ink absorbing member in an ink over-spray containment apparatus.

According to the Office Action, “Lebold et al. teach: The composite [ink absorbing material] can also be formed by other than needlefelting. To that issue, Lebold et al. did not specifically teach what are those materials other than needlefelting.” (Action 7/31/07, p. 5). The Office Action then goes on to conclude, without any supporting evidence, that porous plastic would have been an obvious material to use in the teachings of Lebold. Applicant respectfully disagrees.

200311912-1

10/611,393

As conceded in the Office Action, Lebold is silent as to materials other than needlefelting that could be used. There is no evidence of record that porous plastic would have been well known or obvious to one of skill in the art as a replacement for Lebold's needlefelting. Consequently, the rejection is based entirely on hindsight in light of Applicant's disclosure.

Again, under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Lebold taken alone, has not been shown to include the claimed apparatus in which a porous plastic member has an ink affinity and is used with a second member to contain ink over-spray.

For at least these reasons, Lebold will not support a rejection of claim 1 under 35 U.S.C. § 103(a) and *Graham*. For at least these reasons, the rejection based on Lebold of claim 1 and its dependent claims should be reconsidered and withdrawn.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the

200311912-1


10/611,393

Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: September 28, 2007


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